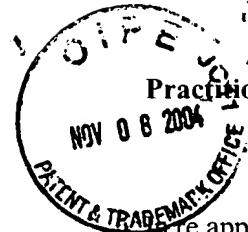


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AF
2665

Practitioner's Docket No. FORE-77

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Jeff Schulz

Application No.: 09/686,768

Group No.: 2665

Filed: October 11, 2000

Examiner: Man U. Phan

For: DUAL OPTIMALITY FOR DIFFERENT DATA RATE BACKPLANE TRANSFERS

Mail Stop Petition AF
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

RECEIVED

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Technology Center 2600

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
 TO THE BOARD OF PATENT APPEALS AND INTERFERENCES
 (37 C.F.R. § 1.191)**

Applicant hereby appeals to the Board from the decision of the Primary Examiner, mailed August 6, 2004, finally rejecting claims 1-4 and 11-14.

1. STATUS OF APPLICANT

This application is on behalf of other than a small entity.

11/09/2004 HAL111 00000032 09686768

340.00 OP

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*
 (When using Express Mail, the Express Mail label number is **mandatory**;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

X deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

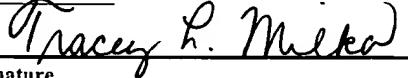
X with sufficient postage as first class mail.

37 C.F.R. § 1.10*

as "Express Mail Post Office to Addressee"
 Mailing Label No. _____ (**mandatory**)

TRANSMISSION

facsimile transmitted to the Patent and Trademark Office, (703) _____


 Signature

Date: 11/5/04

Tracey L. Milka

(type or print name of person certifying)

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

2. FEE FOR FILING NOTICE OF APPEAL

Pursuant to 37 C.F.R. § 1.17(b), the fee for filing the Appeal Brief is:

Other than a small entity \$340.00

Notice of Appeal fee due \$340.00

3. EXTENSION OF TERM

The proceedings herein are for a patent application and the provisions of 37 C.F.R.1.136 apply.

Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

4. **TOTAL FEE DUE**

The total fee due is:

Notice of Appeal fee \$340.00
TOTAL FEE DUE \$340.00

5. FEE PAYMENT

Attached is a check in the amount of \$340.00.

A duplicate of this transmittal is attached.

6. FEE DEFICIENCY

If any additional extension and/or fee is required, and if any additional fee for claims is required, charge Deposit Account No. 19-0737.

Paul Silvey

Ansel M. Schwartz
Registration No. 30,587
Attorney at Law
201 N. Craig Street
Suite 304
Pittsburgh, PA 15213
412-621-9222